



MEMORANDUM

March 9, 2009

To: Honorable Carl Levin
Attention: Jack Danielson

From: Sandy Streater, 7-8653
Analyst on the Congress and Legislative Process

Subject: **Spending Effect of Two Specified Senate Amendments**

This memorandum responds to your request for the spending effect of S.Amdt. 610 and S.Amdt. 593 to the Omnibus Appropriations Act, 2009 (H.R. 1105).

The texts of the two amendments are provided below. Senate amendment 610 stated:

At the appropriate place, insert the following:

Sec. __. Notwithstanding any other provision of this Act, none of the funds made available under this Act may be obligated or otherwise expended for any congressionally directed spending item for--

- (1) the Pleasure Beach Water Taxi Service Project of Connecticut;
- (2) the Old Tiger Stadium Conservancy of Michigan;
- (3) the Polynesian Voyaging Society of Hawaii;
- (4) the American Lighthouse Foundation of Maine;
- (5) the commemoration of the 150th anniversary of John Brown's raid on the arsenal at Harpers Ferry National Historic Park in West Virginia;
- (6) the Orange County Great Park Corporation in California;
- (7) odor and manure management research in Iowa;
- (8) tattoo removal in California;
- (9) the California National Historic Trail Interpretive Center in Nevada;
- (10) the Iowa Department of Education for the Harkin grant program; and
- (11) the construction of recreation and fairgrounds in Kotzebue, Alaska.

On March 4, 2009, the Senate rejected the amendment by a vote of 34-61.

Senate amendment 593 would have a broader impact; it states:

At the appropriate place, insert the following:

SEC X. PROHIBITION ON THE USE OF FUNDS.

None of the funds in this Act may be used for any project listed in the statement of managers [joint explanatory statement] that is not listed and specifically provided for in this Act.

No Senate action has occurred on this amendment.

Total spending provided in the Omnibus Appropriations Act, 2009, generally equals the sum of numerous separate appropriations and obligation limitations¹ as well as rescissions. The funding levels are provided in the text of the measure for individual accounts and would have statutory effect. The House and Senate Appropriations Committees provided more detailed instructions to agencies in a “joint explanatory statement” accompanying the bill. For example, the committees provided direction allocating funds within certain accounts for a variety of activities and projects. Such statements do not have any statutory effect and as a result, do not reduce spending provided in the accompanying bill. An amendment that would prohibit the use of funds for projects identified solely in a joint explanatory statement (including the 11 projects listed in S.Amdt. 610 and the projects referred to in S.Amdt. 593) would not have the effect of reducing the spending provided in the measure. The funds that might have been set aside for these projects could not be used to fund the projects, but would be available for other activities funded within the pertinent account.

If the provisions included in S.Amdt. 610 and/or S.Amdt. 593 become law, they would not have a direct effect on the spending provided in the Omnibus Appropriations Act, 2009.

If I can be of further assistance, please contact me.

¹ Certain obligation limitations in appropriations measures restrict the availability of budget authority previously provided in statute.
